

STATE OF CONNECTICUT · COUNTY OF TOLLAND INCORPORATED 1786

TOWN OF ELLINGTON

55 MAIN STREET • P. O. BOX 187 ELLINGTON, CONNECTICUT 06029-0187 TEL 870-3100 FAX 870-3102

www.ellington-ct.gov

PETER J. CHARTER Deputy First Selectman

LAURIE E. BURSTEIN ANN L. HARFORD A. LEO MILLER, JR. JAMES M. PRICHARD JOHN W. TURNER

BOARD OF SELECTMEN October 20, 2008 Meeting Hall – Town Hall

TWENTY-FIRST EMPLOYEE RECOGNITION PROGRAM:

The following employees were recognized for service to the Town of Ellington:

10 Years of Service: Katherine Boop, Library Assistant

Cheryl Chamberlin, Library Assistant Gregory Frey, Library Assistant Tonya Glomboske, EMT/Driver

Joshua Hebert, Maintainer [Not in attendance]

Linda Judd, Library Assistant

Rhonda McCarty, Assessor [Not in attendance]

Marie Sauve, Executive Assistant Brenda Strong, Deputy Tax Collector

20 Years of Service: Michael Caron, Police Officer

Barry Glazier, Mechanic

Lori Smith, Administrative Assistant [Not in attendance]

30 Years of Service: Peter Michaud, Director of Public Works [Not in attendance]

BOARD OF SELECTMEN MEETING:

SELECTMEN PRESENT: Laurie Burstein, Peter Charter, Ann Harford, A. Leo Miller, James

Prichard, Michael Stupinski and John Turner

OTHERS PRESENT: Nicholas DiCorleto, Finance Officer; Ann Marie Conti, Tax

Collector; Joseph Wehr, Resident

I. CALL TO ORDER:

First Selectman Stupinski called the meeting of the Board of Selectmen (BOS) to order at 8:18 p.m.

II. CITIZENS' FORUM:

Joseph Wehr, 1 Megan Circle, read a statement expressing his opposition to the proposed roundabout project for the five corners intersection.

Christine Welton, Brookmeadow Lane, was not in favor of the roundabout project and suggested that the issue be sent to referendum for vote by the residents.

III. APPROVAL OF MINUTES:

A. September 15, 2008 Special Town Meeting

MOVED (CHARTER), SECONDED (MILLER) AND PASSED [ABSTAINED: HARFORD/BURSTEIN] TO APPROVE THE SEPTEMBER 15, 2008 SPECIAL TOWN MEETING MINUTES.

B. September 15, 2008 Board of Selectmen Meeting

MOVED (CHARTER), SECONDED (MILLER) AND PASSED [ABSTAINED: HARFORD/BURSTEIN] TO APPROVE THE SEPTEMBER 15, 2008 BOARD OF SELECTMEN MEETING MINUTES.

IV. UNFINISHED BUSINESS:

A. Housing Rehab Program

Mr. Stupinski stated that at the August 18, 2008 meeting a motion was made to award the contract for lead paint testing services; however, it was tabled to this evening pending clarification. He referenced a memo from Peter Sanborn, Program Manager, Ellington Regional Housing Rehabilitation Program, dated September 11, 2008, which addresses the concerns raised at the August meeting. Mr. Stupinski asked for a vote on the following motion:

MOVED (TURNER), SECONDED (CHARTER) TO AWARD THE CONTRACT FOR LEAD PAINT TESTING SERVICES FOR THE FY-07 SMALL CITIES HOUSING REHABILITATION PROGRAM TO FUSS & O'NEILL ENVIROSCIENCE, LLC, FOR AN AMOUNT NOT TO EXCEED \$10,000 AND FURTHER, TO AUTHORIZE THE FIRST SELECTMAN TO EXECUTE THE CONTRACT AGREEMENT.

VOTE: all in favor; motion passed.

B. Capital Improvement Projects for Bonding

Mr. Stupinski stated that he is working with the Town's Financial Advisor to put together a list of Capital Improvement projects and associated cost to be financed through bonding. Mr. Stupinski would like to schedule a special meeting with the Board of Finance on Thursday, November 6, 2008 to discuss the bonding package.

Ms. Burstein questioned if the proposed new animal control facility will be included in the list of projects. Mr. Stupinski responded yes. Ms. Burstein stated the Town of South Windsor is building a regional animal control facility and the Town of Ellington will be eligible to participate. Mr. Stupinski stated that some time ago, the Town of South Windsor contacted him regarding their project. He reviewed the preliminary proposal with Ellington's Animal Control Officer and she had some reservations with the regional facility.

Mr. Miller suggested the Town look into the South Windsor proposal prior to the November 6 meeting.

C. Appoint Representatives to Ad Hoc POCD Implementation Committee

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPOINT LAURA SHERMAN, AS ECONOMIC DEVELOPMENT COMMISSION REPRESENTATIVE, TO THE AD HOC PLAN OF CONSERVATION AND DEVELOPMENT IMPLEMENTATION COMMITTEE TO JULY 31, 2009.

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO ADD TO NEW BUSINESS ITEM G, RATIFICATION OF SUPERVISORS' UNION CONTRACT AND ITEM H, DIRECTOR OF PUBLIC WORKS – CHANGE IN EMPLOYMENT STATUS.

V. NEW BUSINESS:

A. Tax Refunds/Abatements:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPROVE THE TAX REFUNDS IN THE AMOUNT OF \$8,774.48, AS RECOMMENDED BY THE TAX COLLECTOR AND AS SPECIFIED IN THE REFUNDS/ABATEMENTS STATEMENT FOR OCTOBER, 2008. (ATTACHED)

B. Grant Permanent Status – Elizabeth Waters, Assistant Town Clerk:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO GRANT PERMANENT STATUS TO ELIZABETH WATERS, ASSISTANT TOWN CLERK, AS RECOMMENDED BY THE TOWN CLERK.

C. Grant Permanent Status – Lisa Houlihan, Assistant Town Planner:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO GRANT PERMANENT STATUS TO LISA HOULIHAN, ASSISTANT TOWN PLANNER, AS RECOMMENDED BY THE TOWN PLANNER.

- D. Accept as Town Roads:
 - Crystal Ridge Estates Crystal Ridge Drive, Hemlock Trail, Azalea Lane Highland Oak Drive and Boulder Ridge Drive:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO ACCEPT CRYSTAL RIDGE DRIVE, HEMLOCK TRAIL, AZALEA LANE, HIGHLAND OAK DRIVE AND BOULDER RIDGE DRIVE AS A TOWN ROADS, AS DEFINED ON THE DEEDS **ATTACHED** TO THESE MINUTES, PURSUANT TO PLANNING AND ZONING COMMISSION APPROVAL OF THE CRYSTAL RIDGE ESTATES SUBDIVISION WHICH INCLUDED THE ABOVE-NOTED ROADS. FURTHER RESOLVED, TO AUTHORIZE THE TOWN PLANNER TO RECORD THE TENDERED DEED IN ACCORDANCE WITH THIS AUTHORIZATION AND THE SUBDIVISION REGULATIONS. FURTHER RESOLVED, TO AUTHORIZE THE TAX COLLECTOR TO ABATE THE TAXES ON THESE ROADS ONCE THE TOWN ASSUMES OWNERSHIP.

2. Sullivan Farms – Brittani's Way:

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO ACCEPT BRITTANI'S WAY AS A TOWN ROAD, AS DEFINED ON THE DEED **ATTACHED** TO THESE MINUTES, PURSUANT TO PLANNING AND ZONING COMMISSION APPROVAL OF THE SULLIVAN FARMS SUBDIVISION WHICH INCLUDED THE ABOVE-NOTED ROAD. FURTHER RESOLVED, TO AUTHORIZE THE TOWN PLANNER TO RECORD THE TENDERED DEED IN ACCORDANCE WITH THIS AUTHORIZATION AND THE SUBDIVISION REGULATIONS. FURTHER RESOLVED, TO AUTHORIZE THE TAX COLLECTOR TO ABATE THE TAXES ON THIS ROAD ONCE THE TOWN ASSUMES OWNERSHIP.

3. High Ridge Estates – Ridge Drive:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO ACCEPT RIDGE DRIVE AS A TOWN ROAD, AS DEFINED ON THE DEED **ATTACHED** TO THESE MINUTES, PURSUANT TO PLANNING AND ZONING COMMISSION APPROVAL OF THE HIGH RIDGE ESTATES SUBDIVISION, WHICH INCLUDED THE ABOVE-NOTED ROAD. FURTHER RESOLVED, TO AUTHORIZE THE TOWN PLANNER TO RECORD THE TENDERED DEED IN ACCORDANCE WITH THIS AUTHORIZATION AND THE SUBDIVISION REGULATIONS. FURTHER RESOLVED, TO AUTHORIZE THE TAX COLLECTOR TO ABATE THE TAXES ON THIS ROAD ONCE THE TOWN ASSUMES OWNERSHIP.

E. Marholin Tax Abatement

Mr. Stupinski reviewed the history regarding the Marholin's tax delinquencies and bankruptcy issues. He noted that the Human Services Director has proposed a payment plan, which would reduce the interest rate on the Marholin's delinquent taxes. Ann Marie Conti, Tax Collector, stated that she would prefer not to offer the payment plan. She noted that the Marholin's have been consistently delinquent and has not given her any reason to believe that they would abide by this agreement. Ms. Conti explained that under Chapter 13 bankruptcy, the debtor is obligated to pay current real estate and motor vehicle taxes and to date the Marholin's have made no effort to pay their current taxes.

Mr. Miller was not in favor of the agreement and expressed concern with setting a precedent. By consensus, the Board of Selectmen will not take action on the payment proposal for Mr. and Mrs. Marholin.

F. Foreclosure of Tax Liens – 379 Somers Road:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY THAT IN ORDER TO PROTECT AND GUARANTEE A JUDGMENT OF FORECLOSURE OF TAX LIENS AGAINST PROPERTY AT 379 SOMERS ROAD THROUGH A COURT ORDERED FORECLOSURE SALE ON NOVEMBER 15, 2008, THE FINANCE OFFICER IS AUTHORIZED TO PROVIDE THE TOWN ATTORNEY WITH A DEPOSIT CHECK OF \$38,400 TO BE PAID TO THE COMMITTEE OF SALE IN THE EVENT THE TOWN BID IS ACCEPTED BY THE COMMITTEE, AND FURTHER, THAT THE TOWN ATTORNEY IS AUTHORIZED TO BID AN AMOUNT EQUAL TO THE OUTSTANDING JUDGMENT PLUS COMMITTEE FEES AND EXPENSES NOT TO EXCEED \$25,000, PENDING BOARD OF FINANCE APPROVAL.

Mr. Stupinski explained that 10% of the appraised value is required for the deposit check (\$38,400); however, the actual bid will not exceed \$25,000.

G. Ratification of Supervisors' Union Contract:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO RATIFY THE SUPERVISORS' EMPLOYEES UNION CONTRACT EFFECTIVE JULY 1, 2007 THROUGH JUNE 30, 2011 AND AUTHORIZE THE FIRST SELECTMAN TO EXECUTE SAID CONTRACT.

H. Director of Public Works – Change In Employment Status:

Mr. Stupinski stated that when Mr. Michaud decided to extend his retirement date he was given inaccurate advice regarding his Municipal Employee Retirement Fund (MERF) and this temporary, part-time status is necessary in order to comply with the MERF plan. On January 1, 2009, Mr. Michaud will return to full-time status for 90 working days. He plans to retire in April 2009.

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO CHANGE THE EMPLOYMENT STATUS OF THE DIRECTOR OF PUBLIC WORKS FROM FULL-TIME STATUS TO TEMPORARY, PART-TIME STATUS EFFECTIVE NOVEMBER 1, 2008 THROUGH DECEMBER 31, 2008 AND SHALL CONTINUE TO RECEIVE THE SAME MEDICAL AND LEAVE BENEFITS DURING THIS PERIOD. LEAVE BENEFITS FOR VACATION, SICK AND PERSONAL LEAVE SHALL BE ON A PRO-RATED BASIS.

The BOS briefly discussed the search for a replacement for the Public Works Director. Mr. Stupinski will add this to the November 17 agenda.

- VI. ADMINISTRATIVE REPORTS: So noted.
- VII. SELECTMEN COMMITTEE REPORTS:
 - A. Personnel Committee
 - 1. Resignations: None.
 - 2. Recommended Appointments:

MOVED (MILLER), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO REAPPOINT OF CAROLYN COOK TO THE SR. CENTER ENDOWMENT FUND COMMITTEE FOR A THREE-YEAR TERM TO OCTOBER 31, 2011.

MOVED (MILLER), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPOINT JUNE LYONS TO THE SR. CENTER ENDOWMENT FUND COMMITTEE TO FILL AN UNEXPIRED TERM TO OCTOBER 31, 2009.

MOVED (MILLER), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPOINT TIMOTHY DERBY TO THE SHARED SERVICES COMMISSION TO FILL AN UNEXPIRED TERM TO MARCH 31, 2010.

B. Ordinance Committee

Mr. Charter stated that the Ordinance Committee met tonight to review a proposed ordinance regarding detention basins. The Committee agrees with the recommendation of the Town Attorney to adopt an ordinance similar to that adopted in the Town of Burlington.

C. Other: None.

VIII. SELECTMEN LIAISON REPORTS:

Ms. Harford stated that the Shared Services Commission will meet tomorrow night.

Mr. Miller reported that the Permanent Building Committee voted to accept the proposal from Moser Pilon Nelson Architects for architectural and engineering work for the Pinney House Phase I Restoration Project.

Ms. Burstein stated that she attending the Human Services Commission meeting earlier this evening and reported that a food drive is scheduled for November 8, as the food bank shelves are very low. In addition, a flu clinic was held on October 14 with 165 participants. Ms. Burstein mentioned that the Senior Center Director is looking into applying for a transportation grant to address the need for an additional Senior Center van.

IX. FIRST SELECTMAN'S REPORT:

A. Green Street Property

Mr. Stupinski referenced a memo from the Town Planner regarding the acquisition of 25-28 Green Street. Mr. Stupinski stated that he has been in contact with the property owner and he is willing to sell the property for substantially less than the original price. This item will be placed on the November 17, 2008 agenda for reconsideration.

B. Other: None.

X. CORRESPONDENCE: So noted.

XI. EXECUTIVE SESSION: For the purpose of discussing negotiations with respect to pending litigation.

SELECTMEN PRESENT:

Laurie Burstein, Peter Charter, Ann Harford, A. Leo Miller, James

Prichard, Michael Stupinski and John Turner

OTHERS PRESENT:

Fred O'Brien, Special Counsel to the BOS

MOVED (HARFORD), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO GO INTO EXECUTIVE SESSION AT 9:15 P.M.

MOVED (CHARTER), SECONDED (BURSTEIN) AND PASSED UNANIMOUSLY TO COME OUT OF EXECUTIVE SESSION AT 9:30 P.M.

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPROVE AN ADDITIONAL APPROPRIATION OF \$50,000 FOR THE PURPOSE OF SETTLING THE LAWSUIT BETWEEN THE TOWN OF ELLINGTON AND STEPHEN AND SUSAN RAYMOND, AS RECOMMENDED BY THE TOWN ATTORNEY. FURTHER, PENDING BOARD OF FINANCE APPROVAL, TO AUTHORIZE THE FIRST SELECTMAN TO WARN A SPECIAL TOWN MEETING FOR MONDAY, NOVEMBER 17, 2008 AT 7:15 P.M. AT THE ELLINGTON TOWN HALL TO CONSIDER ABOVE-NOTED APPROPRIATION.

XII. ADJOURNMENT:

MOVED (HARFORD) SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN AT 9:33 P.M.

Submitted by Maria Saure

_ Approved by

∕llichael P. S∕tupinski

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Return to: Town of Ellington Planning Office 57 Main Street Ellington CT 06029

WARRANTY DEED - STATUTORY FORM

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

Know Ye, That It, CRYSTAL RIDGE ESTATES, a joint venture with a principal place of business in the Town of East Hartford, County of Hartford and State of Connecticut, in consideration of the granting by the Town of Ellington Planning and Zoning Commission approval of the Subdivisions and Re-subdivision known as CRYSTAL RIDGE Phases 1, 1A and 2 does hereby grant, bargain, sell and convey to the TOWN OF ELLINGTON, a municipality having its territorial limits within the County of Tolland and State of Connecticut, its successors and assigns forever, with WARRANTY COVENANTS

The parcels of land located in the Town of Ellington, County of Tolland and State of Connecticut designated as "FUTURE RIGHT-OF-WAY" on the first map described below, and "HEMLOCK TRAIL" on the second map described below:

First Map entitled "RESUBDIVISION PLAN CRYSTAL RIDGE ELLINGTON, CONNECTICUT TARBELL, HEINTZ & ASSOC., INC. CIVIL ENGINEERS – LAND SURVEYORS 290 ROBERTS ST. SUITE 200, EAST HARTFORD, CT (860) 528-1810 JOB NO. 902 DATE: 08-22-01 SCALE: AS SHOWN DRAWN BY R.H.H. SHEET 2 OF 5 REVISION 03-18-02 P&Z Comments 08-29-02 Final Approval", which map was recorded in the Land Records of the Town of Ellington on September 12, 2002.

Second Map entitled: "RESUBDIVISION PLAN CRYSTAL RIDGE PHASE 2 ELLINGTON, CONNECTICUT TARBELL, HEINTZ & ASSOC., INC CIVIL ENGINEERS – LAND SURVEYORS 290 ROBERTS ST. SUITE 200, EAST HARTFORD, CT JOB NO. 902 DATE: 08-22-01 SCALE: AS SHOWN DRAWN BY R.H.H. SHEET NO: 2 OF 5 REVISION 03-18-02 P&Z Comments 04-20-04 30' Drainage Easement", which map will be filed in the Land Records of the Town of Ellington.

Said premises are subject to building lines, slope rights and notes all as shown on said subdivision map.

Said premises are also subject to any and all provisions of any ordinance, municipal regulations or public or private law and to all Town zoning and building ordinances of the Town of Ellington.

SUSAN L. CAMPBELL.
NOTARY PUBLIC
MY COMMISSION EXPIRES MAR. 31, 2012

<u>V-D-2</u>

WARRANTY DEED -STATUTORY FORM

KNOW YE, SULLIVAN FARMS, LLC, a Connecticut limited liability company with a principal office at 40 Kingsbury Avenue, Tolland, CT, 06084

for consideration paid,

grants to the TOWN OF ELLINGTON, a municipal corporation having its territorial limits within the County of Tolland and State of Connecticut,

with WARRANTY COVENANTS

a certain piece or parcel of land situated in the Town of Ellington, County of Tolland and State of Connecticut, shown and designated as follows:

All that road shown as BRITTANI'S WAY on a map or plan entitled,

"SUBDIVISION PLAN BRITTANI FARMS GRANT ROAD ELLINGTON, CONNECTICUT Gardner & Peterson Associates, LLC 178 Hartford Turnpike Tolland, Connecticut Professional Engineers Land Surveyors Scale 1" = 40' Date 03-24-2006 Sheet 3 of 8 Map No. 10152 S Revisions through 10/30/2006 CT Water Notes" which map or plan is on file or will be filed in the Town Clerk's Office in the Town of Ellington.

SAID premises are subject to utility easements of record and any and all provisions of any ordinance, municipal regulation, or public or private law.

SIGNED this 20th day of December, A.D., 2006.

Signed, Sealed and Delivered In Presence Of:

SULLIVAN FARMS, LLC

Michael J. Stosonis

A Member, Duly Authorized

STATE OF CONNECTICUT

)ss.

COUNTY OF TOLLAND

On this the 20th day of December, 2006, before me, the undersigned officer, personally appeared MICHAEL J. STOSONIS, Signer and Sealer of the foregoing Instrument, who acknowledged that he is a member of SULLIVAN FARMS, LLC and that the signing of this document was his free act and deed and the free act and deed of the company, before me.

In Witness Whereof, I hereunto set my hand and official seal.

Commissioner of the Superior Court

Notary Public

The Grantees' latest address:

Town of Ellington 55 Main Street Ellington, CT 06029

亚-D-3

WARRANTY DEED - STATUTORY FORM

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW ALL MEN BY THESE PRESENTS, That I, Denise C. Rodrigue, Trustee of the Town of Ellington, County of Tolland and Sate of Connecticut in consideration of the granting of approval of a subdivision known as "High Ridge Estates" do give, grant, bargain, sell and confirm unto said TOWN OF ELLINGTON, a Connecticut municipal corporation having its territorial limits within the State of Connecticut, its successors and assigns forever with Warranty Covenants all that certain piece or parcel of land situated in the Town of Ellington, County of Tolland and State of Connecticut shown as an extension of Ridge Drive on a map entitled "RESUBDIVISION PLAN PREPARED FOR DENISE C. RODRIGUE TR. 21 Ridge Road Ellington, Connecticut, Tarbell, Heintz & Assoc., Inc. Civil Engineers Land Surveyors 1227 Burnside Ave. Suite 31 East Hartford, CT (860) 528-1810 Job No. 999 Date: 7-20-03 Scale: As Shown; Drawn By: RHH Revision 9-27-04 Sheet No. 2 of 7" which map is to be filed in the office of the Ellington Town Clerk and more particularly bound and described as follows:

Beginning at an iron pin set in the westerly side of Ridge Road, proceeding thence S 03° 48' 30" E, a distance of 38.99 feet, to an iron pin; thence along the northwesterly curve of said Ridge Road, a curve of 56° 15' 4", a distance of 24.54 feet, on a radius of 25.00 feet, to an iron pin; thence along the southerly curve of said Ridge Road, a curve of 292° 30' 07", a distance of 331.83 feet, on a radius of 65.00 feet, to an iron pin; thence along the northeasterly curve of said Ridge Road, a curve of 56° 15' 4", a distance of 24.54 feet, on a radius of 25.00 feet, to an iron pin; thence proceeding S 03° 48' 30" E, a distance of 20.17 feet, to an iron pin; thence S 88° 01' 58" W, a distance of 50.22 feet, to the point of beginning.

SAID premises are a portion of the premises conveyed to the Grantor and recorded in the Ellington Land Records in Volume 181 Page 918.

Said premises are subject to building lines, grading rights, and notes all as shown on said subdivision map.

Said premises are also subject to any and all provisions of any ordinance, municipal regulations or public or private law and to all Town zoning and building ordinances of the Town of Ellington.

IN WITNESS WHEREOF, Denise C. Rodrigue, Trustee has hereunto set her hand and seal this lyinday of August 2005.

Signed, Sealed and Delivered in the Presence of:

STATE OF CONNECTICUT)

) ss. Ellington

August 18,2001

COUNTY OF TOLLAND

Personally appeared Denise C. Rodrigue, Trustee, Signer of the foregoing Instrument, and acknowledged the same to be her free act and deed before me.

Commissioner of the Superior Court

Notary Public

My commission expires